

FILED: November 8, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7443
(2:17-cv-02345)

KEITH W.R. LOWE

Plaintiff - Appellant

v.

DR. SHERRI JOHNSON, physician for Wexford, sued in her individual capacity; DAVID BALLARD, former Warden of Mount Olive Correctional Complex; JAMES RUBENSTEIN, former Commissioner of WVDOC, sued in his individual and official capacities

Defendants - Appellees

O R D E R

Keith W.R. Lowe, #3380501, has applied to proceed without prepayment of fees and given written consent to the collection in installments of the filing fee from appellant's trust account in accordance with the terms of the Prison Litigation Reform Act, 28 U.S.C. § 1915(b)(PLRA). The court grants appellant leave to proceed without full prepayment of fees and directs that:

an initial partial fee of 20 percent of the greater of the average monthly deposits or average monthly balance for

the six-month period immediately preceding the filing of the notice of the appeal be paid from appellant's trust account when funds are available; and

monthly payments of 20 percent of the preceding month's income be collected from the appellant's trust account and forwarded to the Clerk, U.S. District Court, each time the amount in the account exceeds \$10 until the filing fee has been paid in full.

Fees for this appeal shall be paid as follows:

***Total Fee: \$505**

*** Make payable to:**

"Clerk, United States Court" (**not to Clerk, Fourth Circuit**)

*** All payments shall include:**

Appeal No.: 21-7443
Civil Action No.: 2:17-cv-02345

*** All payments shall be mailed to:**

Clerk, U.S. District Court
300 Virginia Street East

Charleston, WV 25301

In the event appellant is transferred to another institution, the balance due shall be collected and paid to the clerk by the custodian at appellant's next institution. Appellant's custodian shall notify the Clerk, U. S. District Court, in the event appellant is released from custody.

This order is subject to rescission should the court determine that appellant has had three prior cases dismissed as frivolous, malicious, or for failure to state a

claim and appellant is not under imminent danger of serious physical injury.

A copy of this order shall be sent to appellant's custodian, to the Clerk, U. S. District Court, and to all parties.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk